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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,765	10/14/2003	Desmond J. Latouche	2224-00300	3350

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EXAMINER

NGUYEN, TRINH T

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,765

Applicant(s)

LATOUCHE, DESMOND J.

Examiner

Trinh T Nguyen

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment on 1/21/05.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-17, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by LaTouche (US 5,444,934).

For claim 1, LaTouche discloses a modular fishing rod holder comprising:

(a) an elongated hollow body (10, 14) extending between an open front end and an open rear end, the body incorporating a nose cone (16) at its rear end; (b) means (38) at the front end to mate with and detachably secure corresponding means on one end of a rod (15a); (c) a reel housing body (18); and (d) means (18a, 18b) at one end of the

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reel housing body and the rear end of the hollow body to permit releasable attachment of the reel housing body and hollow body so as to hold within, in operational position, a spinning reel (20, 21).

For claims 2 and 12, LaTouche further discloses a handle (12) secured to the other end of the reel housing body.

For claim 3, LaTouche further discloses the handle and the reel housing body are provided with mating engagement means (31, 34, 35) for detachably securing the handle means to the reel housing body.

For claim 4, LaTouche further discloses in combination with a rod, an end of which rod is provided with means (37) to mate with and detachably secure to said means at the front end of the holder.

For claim 6, LaTouche further discloses the rear end of the hollow body is in the form of a nose cone having a concave inner surface (16a) so as to function as a clamp for a fishing line of a spinning reel during casting.

For claims 7, 8 and 10, LaTouche further discloses in combination with a spinning reel held within the reel housing body in operative position.

For claim 9, LaTouche further discloses a fishing line is wrapped about the reel extends through the front end of the hollow body.

For claim 11, LaTouche further discloses a fishing line is wrapped about the reel extends through the front end of the hollow body and through the rod (note that Figure 3 shows fishing line 40a extends through the eye, which is part of the rod, on the other end of the rod).

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For claim 13, LaTouche further discloses the handle is provided with means for releasable attachment to corresponding means on the other end of the reel housing body.

For claim 14 and 15, LaTouche further discloses the rod holder is comprised of two sections pivotally secured to each other at a pivot and locked by locking means (30, 32) in operative elongated position but rotatable about the pivot so that the rod is collapsible back under the reel housing body and handle when the lock means is released.

For claim 16, LaTouche further discloses the locking means comprises a spring loaded shot pin (30) on one section which releasably engages within an aperture in a shot pin hood on the other section.

For claim 17, LaTouche further discloses the reel housing body is provided with a thumb (50) actuated line release button operatively connected to the reel for releasing the fishing line during casting.

For claim 21, LaTouche further discloses the rod is a telescoping rod and is adapted to be retractable inside itself.

For claim 23, LaTouche further discloses means on the reel housing body for releasable attachment to releasable securing means of the handle.

For claim 24, LaTouche further discloses in combination with the handle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaTouche (US 5,444,934) in view of Edwards et al. (US 3,618,253).

For claim 5, LaTouche discloses most of the claimed invention except for a hollow rod along its length.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device having a hollow rod (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fishing rod of LaTouche so as to include a hollow rod, in a similar manner as taught in Edwards et al., since to do so would reduce the overall weight of the fishing device.

For claim 19, LaTouche further discloses elongated hollow body is provided with a line guide (see attached Figure 2 at the end of this Office Action) having a first aperture for guiding the fishing line. However, LaTouche does not disclose that the fishing line is guided inside the rod.

Edwards et al. teach a similar device as that of LaTouche in which Edwards et al.'s device having a line guide (see attached Figure 2 at the end of this Office Action) having a first aperture for guiding the fishing line inside the rod. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the fishing rod of LaTouche so as to include a line guide for guiding the fishing line inside the rod, in a similar manner as taught in Edwards et al., since to do so would eliminate the fishing line from entanglement.

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6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaTouche (US 5,444,934) in view of Sobel et al. (US 3,447,254).

LaTouche discloses most of the claimed invention except for means at the front end of the hollow body to mate with and detachably secure corresponding means at one end of the rod is a lock cap which is adapted to receive a split, tapered sleeve that is secured to the one end of the rod.

Sobel et al. teach a similar device as that of LaTouche in which Sobel et al.'s device having means at the front end of the hollow body (10) to mate with and detachably secure corresponding means at one end of the rod (24) is a lock cap (22) which is adapted to receive a split, tapered sleeve (18) that is secured to the one end of the rod (see attached Figure 1 at the end of this Office Action). It is noted that Smith discloses the use of a lock cap (22) and a split, tapered sleeve (18) as attachment means, which is considered as an attachment means functional equivalent to the screw (38) as claimed in LaTouche, for connecting/attaching the rod to the hollow body. Therefore, it would have been obvious to one of ordinary skill in the art to use either LaTouche's screw member or Sobel et al.'s lock cap and a split, tapered sleeve, since to do so would merely replace one old and well known attachment means with another art equivalent old and well known attachment means.

Response to Arguments

7. Applicant's arguments filed 1/21/05 have been fully considered but they are not persuasive.

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8. In response to applicant's argument that the reference LaTouche does not show a rod that is detachably secured to the hollow body, the Examiner disagrees. As clearly shown in lines 46-50 of col. 4, LaTouche indicated that the one-piece rod 15a can be detached from the hollow body and replaced with a telescoping rod 15b by unscrewing member (38) (see Figures 15, 12, & 14).

9. In response to applicant's argument that there is no suggestion to combine the references (i.e., LaTouche and Sobel et al.), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In response, the Examiner maintains that there is motivation to combine the references. LaTouche and Sobel et al. both stand for the basic premise on the teaching of a collapsible fishing rod which can be conveniently collapsed to avoid the danger of injuring bystanders and for the ease and conveniences in carrying and storing the fishing rod by loosening and tightening an attachment means (member (38) of LaTouche and members (18, 22) of Sobel et al.) so as to detach and/or secure the rod. So, one of ordinary skill in the art would use either LaTouche's screw member or Sobel et al.'s lock cap and a split, tapered sleeve, since to do so would merely replace one old and well known attachment means with another art equivalent old and well known attachment means.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

The examiner's supervisor, Teri Luu can be reached on (703) 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T Nguyen
Patent Ex.
Art Unit 3644
3/31/05



Nov. 9, 1971

M. R. EDWARDS ET AL
FISHING APPARATUS

3,618,253

Filed March 2, 1970

2 Sheets-Sheet 1

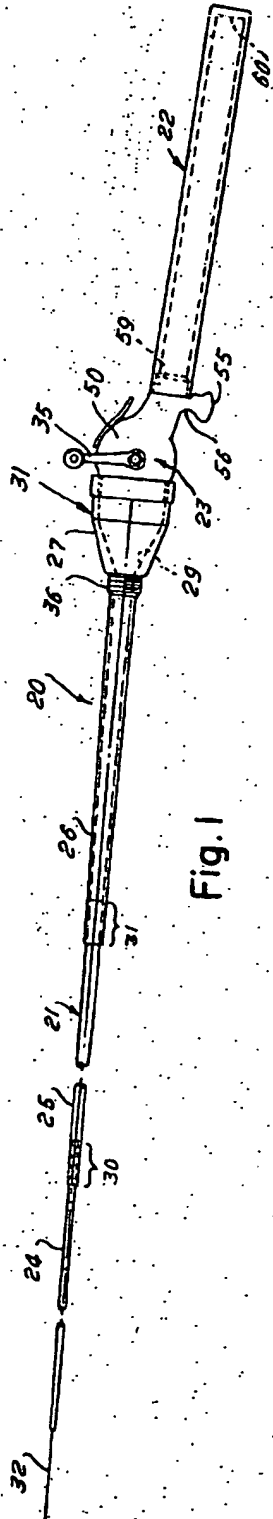


Fig. 1

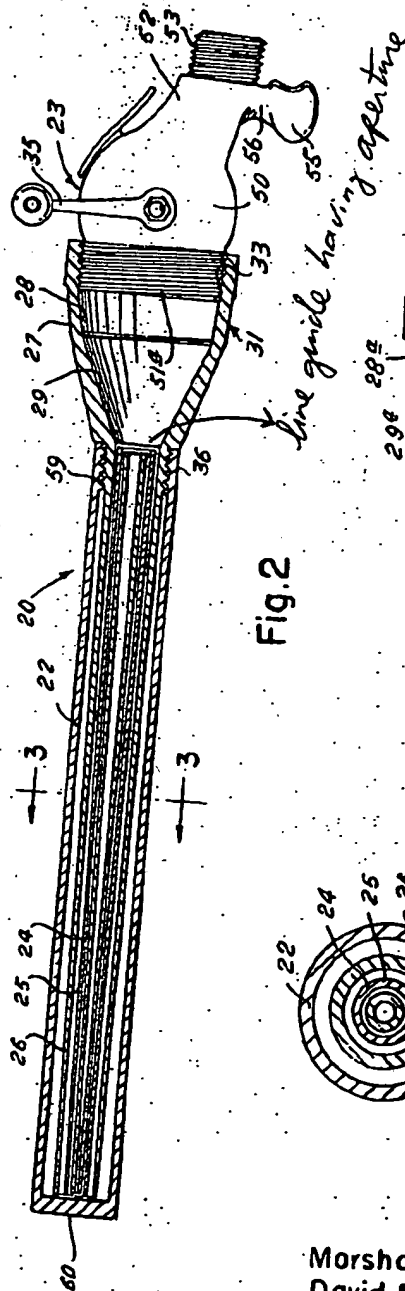


Fig. 2

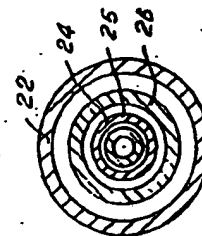


Fig. 3

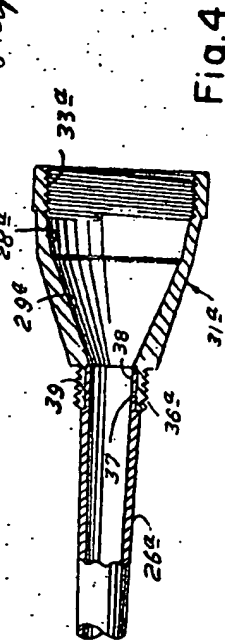


Fig. 4

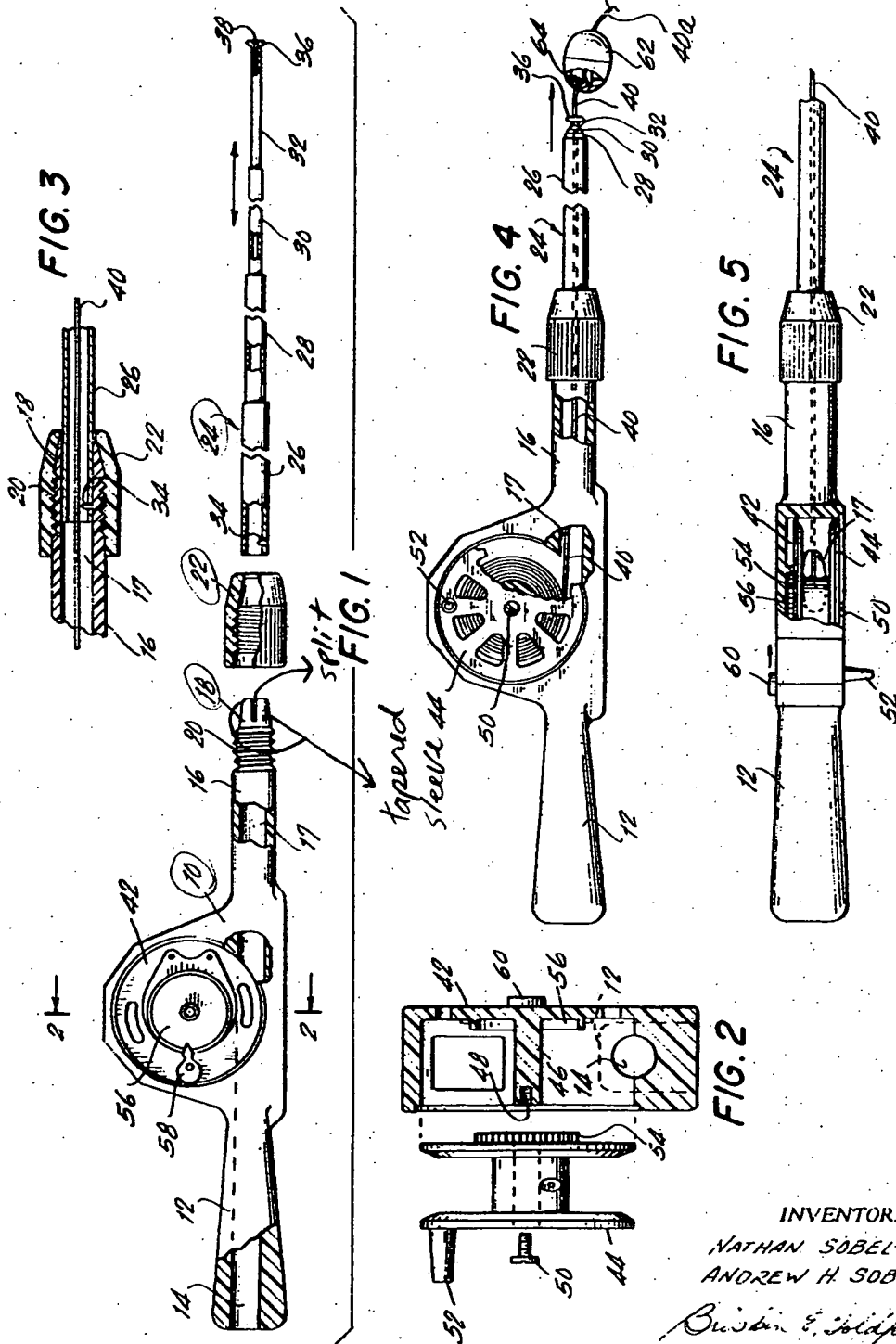
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By David M. Edwards
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June 3, 1969

N. SOBEL ET AL
COLLAPSIBLE FISHING ROD

3,447,254

Filed Sept. 2, 1966



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